

LARRY H. LUM
Nevada Bar No. 14914
KAREN L. BASHOR
Nevada Bar No. 11913
TANIA G. BONILLA
Nevada Bar No. 15703
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, NV 89119
(702) 727-1400; FAX (702) 727-1401
larry.lum@wilsonelser.com
karen.bashor@wilsonelser.com
tania.bonilla@wilsonelser.com
*Attorneys for Defendant Nevada Property 1 LLC
dba The Cosmopolitan of Las Vegas*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MONICA PENA, individually,

Plaintiff.

VS.

NEVADA PROPERTY 1, LLC, a Nevada Limited-Liability Company d/b/a THE COSMOPOLITAN OF LAS VEGAS; DO 10, inclusive; and ROE ENTITIES 1-10, inclusive.

Defendants.

Case No. 2:24-cv-00408-RFB-DJA

**STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES**
[First Request]

The parties, by and through their counsel of record, hereby submit the following Stipulation and Order to Extend Discovery Deadlines (First Request). Good cause is present for this Stipulation under Local R. 26-3 (“A request made within 21 days of the subject deadline must be supported by a showing of good cause.”).

Counsel for the parties have been involved in resolving the remainder of the case for judicial economy; however, settlement discussions have not yet been successful. At present, the parties are anticipating that Plaintiff's counsel will produce the additional information which Defendant will

1 need to receive and review before the scheduling depositions in this case, and aid in determination
2 for which kind of expert witness is most appropriate to retain, in the event settlement is not reached.
3 In addition, counsel for the parties need to seek resolution of this matter through mediation, and
4 parties are currently in discussion to schedule.

5 IT IS HEREBY STIPULATED AND AGREED by and between CRAIG M. MURPHY,
6 ESQ. of the law firm MURPHY & MURPPY LAW OFFICES, counsel for Plaintiff MONICA
7 PENA (hereinafter "Plaintiff"), and TANIA G. BONILLA, ESQ. of the law firm of WILSON,
8 ELSEY, MOSKOWITZ, EDELMAN & DICKER LLP as counsel for Defendant NEVADA
9 PROPERTY 1, LLC (hereinafter "Defendant"), that certain discovery deadlines be extended by
10 ~~ninety~~ (60) days, as set forth below, to allow the Parties to complete discovery and schedule a
11 mediation prior to trial.

12 **I. STATEMENT SPECIFYING DISCOVERY THAT HAS BEEN COMPLETED**

13 To date, the Parties have completed the following discovery:

- 14 1. Plaintiff Pena has disclosed a computation of damages and a list of providers;
15 2. Defendants have subpoenaed medical records from the list of providers (nine
16 providers) and are still awaiting two more responses / Custodian of Records affidavits;

17 **II. SPECIFIC DESCRIPTION OF DISCOVERY THAT REMAINS TO BE**

18 **COMPLETED:**

- 19 1. Depositions;
20 2. Written Discovery Propounded Upon Plaintiff and Defendant;
21 3. Responses to Written Discovery Propounded Upon Plaintiff and Defendant;
22 4. Retainer of Expert Witnesses;
23 5. The Parties intend to serve supplements to written discovery responses and
24 disclosures.
25 6. The Parties will assess the need for additional discovery and conduct same
26 accordingly.

1 **III. REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN DEADLINES:**

2 Since the commencement of discovery, the parties have been working amicably together to
 3 gather relevant documents, issue necessary discovery, engage in cost effective means to resolve this
 4 matter. However, as set forth above, the parties have been unable to conclude discovery for the
 5 following reasons.

- 6 • The stipulated Discovery Plan & Scheduling Order was filed December 31, 2024.
 7 • The end of the year 2024 holidays caused delay in subpoenas.
 8 • A heavy workload for the defense attorney following unexpected attorney departures.

9 The parties are working to complete discovery as quickly as possible but need additional time
 10 to do so and prepare for trial. Due to the issues stated above, the Parties respectfully request an
 11 additional sixty (60) days to complete adequate and vital discovery to prepare for trial in this matter.

12 **The parties strongly believe they will be able to pursue avenues of dispute resolution however
 13 additional time is needed to appropriately do so.**

14 **IV. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY:**

15 1. **Discovery Cut-Off:** The parties jointly propose that the discovery cut-off date
 16 be extended ninety (60) days from its present deadline of May 7, 2025, to **June 30, 2025**.

17 2. **Deadline for Amending the Pleadings and Adding Parties:** The parties
 18 jointly propose that the discovery cut-off date be extended ~~ninety~~ (0) days from its present
 19 deadline of February 26, 2025. This deadline need not be amended.

20 3. **Rule 26(a)(2) Disclosures:** The parties jointly propose that the discovery cut-
 21 off date be extended ninety (60) days from its present deadline of May 7, 2025, to **June 30,**
 22 **2025.** The parties shall **disclose all expert witnesses by May 1, 2025, and rebuttal reports**
 23 **by June 2, 2025.**

24 4. **Dispositive Motions:** The parties jointly propose that Dispositive motions
 25 shall extended ninety-one (60) days from its present deadline of June 6, 2025, to **August 5,**
 26 **2025.**

1 5. **Joint Pretrial Order:** The parties jointly propose the current Joint Pretrial
2 Order shall be extended ninety (60) days from the present deadline of July 8, 2025, to
3 **September 6, 2025**, unless a dispositive motion is filed. If a dispositive motion is filed, the
4 Joint Pretrial Order will not be due until 30 days after the dispositive motion is decided.

5 6. **Trial Estimate:** The parties estimate the trial in this case will last
6 approximately five days.

7 7. **Fed. R. Civ. P. 26(a)(3) Disclosure:** The disclosure by FRCP 26(a)(3), and any
8 objections thereto, shall be included in the joint pre-trial order.

9 8. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and
10 conferred about the possibility of using alternative dispute resolution, including mediation, and/or
11 early neutral evaluation. The parties have not scheduled any such ADR forum at this point, ***but***
12 ***having discussed this further, on February 26, 2025, the Parties shall seek mediator availability to***
13 ***resolve this matter.***

14 9. **Alternative Forms of Case Disposition:** The Parties certify that they discussed
15 consenting to trial by a magistrate judge or engaging the Short Trial Program under FRCP 37
16 and, at present, do not consent to either alternative form of case disposition.

17 10. **Electronic Evidence:** The parties certify that they have discussed and intend to use
18 electronic evidence at the trial of this matter and will ensure that said evidence is in electronic format
19 compatible with the Court's electronic jury evidence display system.

20 11. **Extensions or Modifications of the Discovery Plan and Scheduling Order:**
21 Any stipulation or motion must be made no later than twenty-one (21) days before the
22 subject deadline. Requests to extend discovery deadlines must comply fully with LR 26-3.
23
24
25
26
27
28

1 RESPECTFULLY SUBMITTED:

2 Dated this 26th day of February, 2025.

3 **MURPHY & MURPHY LAW OFFICES**

5 */s/ Craig Murphy, Esq.*
6 Craig M. Murphy, Esq.
Nevada Bar No. 4014
7 3900 S. Hualapai Way, St. 134
Las Vegas Nevada 89147
8 Attorney for Plaintiff

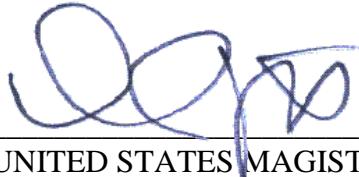
Dated this 26th day of February, 2025.

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

5 */s/ Tania G. Bonilla, Esq.*
Larry H. Lum, Esq.
Nevada Bar No. 14914
Karen L. Bashor, Esq.
Nevada Bar No. 11913
Tania G. Bonilla, Esq.
Nevada Bar No. 015703
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, NV 89119
10 Attorneys for Defendant Nevada Property I,
LLC

12 **IT IS SO ORDERED.**

14 DATED: 2/27/2025

15
16
17 
18 UNITED STATES MAGISTRATE JUDGE

To: Bonilla, Tania G.
Subject: RE: Monica Pena v. Nevada Property 1, LLC; 2:24-cv-00408-RFB-DJA - Pending PL's Initial Disclosures

From: Craig Murphy <craig@nvpilaw.com>
Sent: Wednesday, February 26, 2025 3:25 PM
To: Bonilla, Tania G. <Tania.Bonilla@wilsonelser.com>; Mary Fischer <mary@nvpilaw.com>
Cc: Kaufman, Jessica <Jessica.Kaufman@wilsonelser.com>; Clark, Angela <Angela.Clark@wilsonelser.com>
Subject: RE: Monica Pena v. Nevada Property 1, LLC; 2:24-cv-00408-RFB-DJA - Pending PL's Initial Disclosures

EXTERNAL EMAIL This email originated from outside the organization.

Tania:

Thank you for reaching out regarding this matter. The beginning of this year seems to be rather hectic. I agree with the proposed SAO and you have my authorization to affix my electronic signature.

I am finalizing a mediation brief this afternoon. I have a 9:00 a.m. hearing and a 10:00 a.m. deposition in the morning. I will call you upon the completion of the deposition if that is alright with you.

Craig Murphy



“WINNING IS NO ACCIDENT”™
Murphy & Murphy Law Offices
Personal Injury Trial Lawyers
(702) 369-9696 Las Vegas * (805) 330-3393 California * (702) 369-9630 Fax

Mailing Address for All Locations: 4482 Market Street, Ste 407, Ventura, CA 93003

Las Vegas Office: 3900 S. Hualapai Way, Ste 134, Las Vegas, NV 89147
Ventura, California Office: 4482 Market Street, Ste 407, Ventura, CA 93003.

CONFIDENTIALITY NOTICE: This email is intended only for the named recipient(s) above. Any unauthorized review, copy, use, disclosure, or distribution is prohibited. This email is confidential and may contain information that is privileged or exempt from disclosure under law. If you have received this message in error, please immediately notify the sender by return email and delete this email message and any attachments from your computer.

Our clients' files are managed in a paperless environment. Please be environmentally conscious before printing this e-mail.

From: Bonilla, Tania G. <Tania.Bonilla@wilsonelser.com>
Sent: Wednesday, February 26, 2025 3:02 PM
To: Craig Murphy <craig@nvpilaw.com>; Mary Fischer <mary@nvpilaw.com>